



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 6 2016

OFFICE OF WATER

The Honorable Amy Klobuchar
United States Senate
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your February 25, 2016, letter requesting the Environmental Protection Agency review water quality monitoring data from Minnesota communities and Indian Tribes to ensure states are in compliance with the Safe Drinking Water Act. There is no higher priority for the EPA than protecting public health and ensuring the safety of our nation's drinking water.

Under the SDWA, most states have primary responsibility for implementation and enforcement of National Primary Drinking Water Regulations, while the EPA is tasked with oversight of state efforts. In light of concerns raised by recent events in Flint, Michigan, the EPA is increasing oversight of state programs to identify and address any deficiencies, particularly related to implementation of the Lead and Copper Rule. EPA staff are meeting with every state drinking water program across the country to ensure that states are taking appropriate actions to address lead action level exceedances, including optimizing corrosion control, providing effective public health communication and outreach to residents on steps to reduce exposures to lead, and removing lead service lines where required by the LCR.

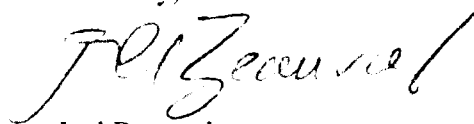
In addition, Administrator McCarthy recently sent letters to the governors of all states with primacy authority under the SDWA calling on them to take proactive steps to ensure proper implementation of the LCR. I sent concurrent letters to the environmental and public health commissioners in these states, outlining specific steps to this end, including: confirming use of relevant EPA guidance, improved transparency and accountability with regard to lead sampling and related issues, and proactive steps to provide residents with earlier and better information on lead sampling and risks associated with lead in drinking water.

The EPA also will work with tribes to identify and address deficiencies in current implementation of the Lead and Copper Rule. While the EPA has primacy in almost all of Indian country, we recognize that the effective protection of the nation's drinking water is a shared concern involving tribal governments, public water system owners and operators, consumers, and other stakeholders. As I outlined in a letter I sent on March 15, 2016, to the leaders of tribes for which the EPA has direct implementation authority, in the coming weeks and months we will be working with tribal governments and public water systems in Indian country to improve sustainability of drinking water systems, including: enhancing regulatory oversight at all levels of government; using information technology to ensure transparency and accountability with regard to reporting and public availability of drinking water compliance data; and leveraging funding sources to finance infrastructure investments.

We are also actively working on revisions to the LCR. In December 2015, the agency received extensive recommendations from our National Drinking Water Advisory Council and other concerned stakeholders. We are carefully evaluating this input and national experience in implementing the current rule – including the events in Flint – to develop proposed improvements. Our current expectation is that revisions to the rule will be proposed in 2017.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cathy Davis in the EPA's Office of Congressional and Intergovernmental Relations at Davis.CatherineM@epa.gov or (202) 564-2703.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Beauvais", with a stylized flourish at the end.

Joel Beauvais
Deputy Assistant Administrator

AL-16-000-3736



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 2016

THE ADMINISTRATOR

The Honorable Barbara Boxer
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Boxer:

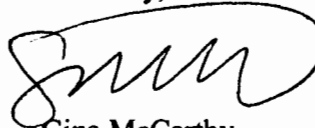
The Administration commends the Senate Environment and Public Works Committee and the House Energy and Commerce Committee on their bipartisan efforts to pass Toxic Substances Control Act (TSCA) reform legislation. In 2009, the Administration released Essential Principles for Reform of Chemicals Management Legislation (Principles) to help inform Congressional efforts on TSCA. The Administration is pleased to share the additional views in this letter, and would welcome the opportunity to work with Congress on more technical drafting issues during the reconciliation process.

Under TSCA, insufficient progress has been made in determining whether the tens of thousands of chemicals in commerce today are safe for the American people and the environment. When TSCA was enacted, it grandfathered in, without any evaluation, over 60,000 chemicals that were in commerce at the time. TSCA did not impose any requirement or schedule for the EPA to review these chemicals for safety. Even for chemicals with known risks, TSCA's "unreasonable risk" standard and "least burdensome" regulatory requirement have generally prevented the EPA from taking necessary and timely actions to protect human health and the environment.

The Administration appreciates that Congress took a comprehensive look at TSCA when it developed its reform bills. While there are many aspects to overhauling TSCA, the Administration encourages Congress to ensure several important issues are addressed sufficiently in any legislation to emerge from the reconciliation process. The views provided in the attachment are intended to assist Congress in reconciling the two pieces of legislation. The lack of a workable safety standard, deadlines to review and act on existing chemicals, and a consistent source of funding are all fundamental flaws in TSCA that should be addressed.

The Administration strongly supports Congress's efforts to strengthen TSCA to provide the EPA with the necessary tools and authorities to target and assess chemicals, and effectively regulate risks. Chemicals are vital to our nation's economy, but safety should continue to be of paramount importance. We need to restore confidence that chemicals used in commerce will not endanger the health and welfare of the American people. The Administration looks forward to continuing to work with Congress toward these goals.

Sincerely,



Gina McCarthy

Enclosure

Identical letters sent to the Honorable James M. Inhofe, The Honorable Barbara Boxer, The Honorable Fred Upton, and the Honorable Frank Pallone Jr.

Administration Views on the TSCA Reform Bills (H.R. 2576 and S. 697)

Deadlines for Action

Essential to a reformed TSCA are statutory mechanisms that drive EPA action to review chemicals and regulate those that are unsafe. In its Principles, the Administration calls for “clear, enforceable and practicable deadlines.”

On this point, the Senate bill is preferable. It provides certainty about the progress that the EPA is required to make reviewing chemicals. The Senate bill imposes an absolute requirement to have completed or at least begun a certain number of assessments (20 high-priority assessments within 3 years, and 25 high-priority assessments within 5 years), and imposes a requirement to repopulate the high-priority list as each assessment is completed until all chemicals on the TSCA inventory have been evaluated.

Elimination of the “Least Burdensome” Requirement

The Administration supports the elimination of current TSCA’s “least burdensome” requirement, which the court in *Corrosion Proof Fittings* – an often-cited TSCA case – has interpreted to impose a tremendous analytical burden on the agency. The EPA’s failure to meet this requirement – after over a decade of rulemaking and thousands of pages of analytical record – resulted in the overturning of the asbestos rule. Both the House and Senate bills include new, different considerations for the EPA when selecting among risk management measures (“Analysis for Rulemaking” in Section 6(d)(4) of TSCA as amended by the Senate bill and “Requirements for Rule” at Section 6(c)(1)(B) of TSCA as amended by the House bill).

Whatever the resolution, the Administration urges Congress to establish considerations that are sufficiently circumscribed so that the EPA will not be required to assess the costs and benefits of an indefinite number of regulatory alternatives, or otherwise be obligated to pursue alternatives analyses beyond the realm of analytic practicability. Such requirements would likely undermine the operation of a revised law even if it contains a clear safety standard and practicable deadlines.

The Administration prefers the consideration requirements under the Senate bill because they expressly provide that they do not extend the EPA’s analytical burden beyond what can be practicably accomplished, based on reasonably available information. Subject to these bounds, the EPA would be required to consider the costs and benefits of alternative methods to achieve the safety standard for a particular chemical substance. The EPA would also be required to incorporate such consideration into a statement accompanying each risk management rule, which would then be part of the administrative record for the rule, and thus allow for judicial review of the adequacy of the agency’s reasoning.

By contrast, the House bill requires the EPA to defend one of two affirmative alternative findings in order to issue a risk management rule: either that the rule is cost effective or that a non-cost effective alternative is necessary. The scope of analysis required for making these findings may be bounded by the information that is “reasonably ascertainable,” under section

6(c)(1)(A). Even if the analysis is so bounded, this provision leaves uncertainty about how many cost effective options the EPA would have to analyze and reject as inadequate before selecting a non-cost effective option.

Prioritizing Chemicals for Review

The Administration's Principles make clear that the EPA should have the authority to prioritize chemicals for review based on relevant risk and exposure considerations. Both the House and Senate bills also include provisions that would allow manufacturers to identify their own priority chemicals for review by the EPA. If a similar mechanism is included in a final bill, it is essential that it not overrun the EPA's ability to prioritize chemical reviews. For this reason, the Administration strongly prefers the Senate version since that bill explicitly caps the number of risk evaluations that can be initiated based solely on manufacturers' interest and it requires both full payment of the costs of the assessment and, if necessary, defrayment of the ensuing costs to develop risk management regulation. Without a meaningful cap or similar measures, manufacturer priorities have the potential to overrun the EPA's chemicals management program and prevent the agency from addressing chemicals with greater potential risks. Without appropriate funding for risk management costs, the EPA may not be able to complete work on manufacturer priorities as Congress presumably intended. The House bill has no cap on manufacturer initiated risk evaluations, and no requirement for industry to pay for the risk management actions that the EPA may find itself legally obligated to undertake after completing the requested risk evaluations. The House language would allow the EPA to put risk evaluations on hold if it receives more industry requests than it has resources to handle, but this provision could be interpreted to allow the EPA to put on hold *EPA initiated evaluations* as well as manufacturer initiated evaluations.

Sustained Source of Funding

The Administration's Principles state that the EPA work under TSCA should be "adequately and consistently funded" and that manufacturers should "support the costs of Agency implementation." The Administration is pleased that both the House and Senate modify Section 26 to establish a dedicated TSCA implementation fund and expand fee collection authority.

The House bill's fee provisions would not defray the EPA's costs of reviewing existing chemicals (aside from those initiated by industry) or any of the costs associated with regulatory risk management actions. It could also be argued that the fees that the EPA could collect for the submission of test data would not cover the EPA's costs to assess the data as part of a chemical risk evaluation.

The Administration prefers the Senate bill's funding provisions, which explicitly add new fee collection authority for the costs of reviewing confidential business information (CBI) claims, reviewing notices under section 5, making prioritization decisions, conducting and completing safety assessments, and conducting rulemakings.

The EPA should have broad authority to use its fees to cover the costs of agency implementation. Giving the EPA this authority generally would avoid the concerns raised above about the EPA's spending authority in specific scenarios. Further, imposing spending caps and the Senate bill's minimum appropriations requirements for assessing fees could still create implementation challenges.

Implementation Challenges

The Administration encourages Congress not to impose on the EPA extensive, prescriptive requirements to develop policy and procedure documents. The dedication of resources to meeting these process development expectations could frustrate the EPA's efforts to timely and directly implement the substantive requirements of TSCA.

The Senate bill, particularly in sections 3A and 4A, establishes pressing deadlines for the EPA to develop various policy and procedure documents, and prescribes numerous specifications for the content of such documents. Meeting these document generation requirements may unnecessarily slow progress on more substantive issues, limit the EPA's flexibility to allocate resources appropriately, and lead to burdensome litigation regarding the process development requirements.

The EPA has already developed and promulgated numerous policies, procedures, and scientific guidances. The EPA continues to invest resources in hosting open public debate on pressing scientific issues and the development of policies and guidances, and does so in accordance with existing objectivity and transparency requirements. For highly impactful or controversial issues, the EPA continues to engage the National Academies of Science, Engineering and Medicine to ensure the development of robust policies and procedures.

The Administration strongly prefers the House bill on this matter since it only requires the EPA to develop new policies, procedures, and guidelines to the extent necessary. If the detailed procedural specifications of the Senate bill are retained, the Administration supports also retaining the accompanying savings provisions that the Senate bill adds to TSCA Section 6(b), which allow the EPA to continue its ongoing work to protect public health and the environment while the required policies, procedures and guideline are under development.

Safety Standard

The Administration's Principles call for a new safety standard that is "based on sound science and reflect[s] risk-based criteria protective of human health." The Administration encourages Congress to apply the new safety standard consistently throughout the revised statute.

If a clear directive for the EPA to apply the new safety standard is expressed only with respect to section 6, as is the case in the House bill, that could create uncertainty as to what standard would apply to EPA actions under other provisions of TSCA where the phrase "unreasonable risk" appears (for example, under sections 4, 5, 7, 12 and 14). Providing an upfront definition of the safety standard, as in the Senate bill, is one way to better ensure uniform

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application of the new standard to all actions under TSCA. Alternatively, “unreasonable risk” could be redefined in each instance it appears.

On a related point, there are several provisions in section 6 of the House bill that could possibly be read to suggest that different standards apply in section 6(a) rulemakings in different scenarios. For example, the EPA is authorized to promulgate non-cost-effective requirements if “necessary to protect against the identified risk” (section 6(c)(1)(B)). It might be argued that this language provides a different risk management standard from section 6(a) (regulation must ensure that a chemical substance “no longer presents or will present an unreasonable risk”). A similar issue appears with respect to regulation of replacement parts (section 6(c)(1)(D)) and articles (section 6(c)(1)(E)).

In general, the Administration appreciates that both the House and Senate bills allow for exemptions to otherwise applicable risk management requirements where necessary to maintain a critical use, or to protect national security or avoid disruption to the national economy. This is consistent with Administration Principle 3, which states that risk management decisions should take into account sensitive subpopulations, cost, availability of substitutes and other relevant considerations. This principle should be consistent across the relevant risk management provisions of the bills.

Finally, some confusion might be caused by the House bill provision that requires rulemaking for persistent, bioaccumulative and toxic (PBT) chemicals under section 6(a) to reduce likely exposure to the extent practicable (section 6(i)(3)). Sections 6(a) and 6(i) actually impose different rulemaking standards. Both the section 6(a) rulemaking standard and several of the considerations required in promulgating section 6(a) rules (which appear in section 6(c)) assume that the EPA has identified specific risks as unreasonable. However, the EPA may not have actually performed a risk evaluation for a particular PBT which is required (under section 6(i)) to be the subject of a 6(a) risk management rulemaking.

Regulatory Flexibility

The House bill retains the current TSCA section 6(a) menu of requirements the EPA can impose in section 6 rulemakings. Although this menu is extensive, it is not comprehensive. Specifically, the menu expressly authorizes the EPA to regulate the manufacture, processing and distribution in commerce of a chemical substance only through a complete ban or ban for specific uses, or through quantity or concentration limitations. In contrast, with respect to commercial use, section 6(a) gives the EPA broader authority to impose requirements “prohibiting or otherwise regulating” the use (section 6(a)(5)). In operation, this menu may drive regulation that is more burdensome than necessary. The Administration prefers the approach in section 6(d) of the Senate bill, which includes “catch-all” regulatory authorities.

Safety of New Chemicals

Under current TSCA, manufacturing and processing of new chemicals can commence upon expiration of the premanufacture notice review period without the EPA determining whether or not those chemicals are safe. As stated in the Administration’s Principles 2 and 4, the

EPA should conclude whether or not new chemicals meet the safety standard before those chemicals are allowed to enter the market. As such, the Administration supports the Senate bill requirement that the EPA make an affirmative safety determination regarding new chemicals.

Transparency and Confidential Business Information

The Administration's Principles outline certain improvements regarding the transparency of chemical information. The Administration is pleased that both the House and Senate make improvements to substantiation requirements for CBI claims. The House bill requires substantiation of new CBI claims, while the Senate bill requires substantiation of both new and existing claims. The Administration also supports new authority in both bills for the EPA to appropriately share CBI with others when necessary to protect public health and safety.

However, the Administration is concerned with a provision in the House bill that would allow "formulas (including molecular structures)" of a chemical substance to be withheld as CBI in health and safety studies. Under current section 14, formula information in health and safety studies can be protected as CBI only if it discloses process information. Thus, the House provision would decrease transparency and shield from the public relevant chemical information (in some cases, the specific identity of a chemical that is the subject of a health and safety study).

Authority to Require Development of Information

Another significant problem under current TSCA is the difficulty of requiring the development of information on chemicals for which information is lacking. Both bills address a major contributor to this problem: the lack of authority to require testing by order. The other contributor is substantive: section 4 of TSCA currently requires the EPA to either demonstrate that a chemical "may present an unreasonable risk," before it can require testing, or else that there is already substantial production and substantial release of or exposure to the chemical substance. The obligation to make these demonstrations has created difficulties for the EPA in requiring testing necessary to assess the safety of chemicals.

Both the House and Senate bills give the EPA new authority to require testing for specific purposes, including during risk evaluations. Under the new House authority, however, the EPA must first make a risk-based finding before initiating a risk evaluation. Although the bar is fairly low ("may present an unreasonable risk...because of potential hazard and a potential route of exposure..."), it could have the effect of perpetuating the difficulties the EPA has encountered under current TSCA. Outside of the risk evaluation context, the House bill could still require the EPA to make a "may present an unreasonable risk" finding before requiring testing under section 4. The Administration encourages Congress to ensure that the EPA is given the necessary authority and tools to obtain information relevant to determining the safety of chemicals.

Chemicals in Articles

The Administration encourages Congress to look closely at provisions in both the Senate and House bills that may make it more difficult for the EPA to review and regulate risks from chemicals contained in articles. Under current TSCA, the EPA has used its authority under

section 5 to establish notification requirements for new uses of a chemical for which the EPA has concerns, including chemicals in imported articles. Section 5 does not require the EPA to make any particular exposure or hazard finding to use this authority, presumably since the function of these significant new use rules is simply to allow the EPA to review, and regulate as necessary, new uses of existing chemicals on the same basis as new chemicals. The Senate bill imposes a new requirement: the EPA must first find the notification requirement for the article is warranted based on "the reasonable potential for exposure through the article or category of articles." This new requirement may make it harder for the EPA to require notification for uses that are not currently foreseen. Even for currently envisioned uses, it may generate litigation over an EPA finding that the potential for exposure through an article or category of articles is "reasonable". The House bill exempts from regulation all "replacement parts designed prior to" the publication of a risk management rule, unless the replacement parts "contribute significantly to the identified risk." This provision would make it more difficult for the EPA to define the scope of regulations given the likely challenges of determining when particular replacement parts were designed.

Enforcement Improvements

While the Administration's Principles do not discuss civil and criminal enforcement of TSCA, the Administration supports the decision to include provisions in the Senate bill that would strengthen civil and criminal enforcement authorities. We look forward to continuing to work with Congress on these provisions.

Federal-State Relationship

The EPA's limited ability to regulate under TSCA has encouraged states to step in, resulting in varying chemical regulations across the country. Assuming the flaws in TSCA that have prevented effective federal action are addressed in reform legislation, the Administration supports an approach to preemption that provides a consistent regulatory regime for industry while allowing appropriate additional actions by the states. These comments are intended to note provisions that could benefit from drafting changes to reflect Congress's presumed intent, as well as provisions that could result in permanent preemption of state actions to address risks not addressed by federal regulation.

The Administration supports Congress's intent to preserve existing state laws like California's Proposition 65, and other state environmental laws related to the protection of air and water, and to waste. Respecting the preservation of such laws, both the Senate and House bills would benefit from further work to reflect the drafters' intent. For example, the Senate bill should better reflect its apparent intent to preserve state regulations adopted prior to August 1, 2015, not merely to enforce actions initiated prior to August 1, 2015. Similarly, the House bill should clarify that it is wholly preserving the identified laws, not just State efforts "to continue to enforce" those laws, and also that any state requirement enacted under a law that was in effect on August 31, 2003, is saved from preemption, even if the specific requirement is promulgated after the date of the TSCA Modernization Act.

The House bill should also clarify the scope of potential preemption of state environmental laws that "actually conflict[]" with an EPA "action or determination." While two

laws might be said to actually conflict if they impose incompatible obligations or one purports to abrogate the other, it is far less clear when a state law could be said to be in actual conflict with an EPA determination that is not an action, or with an EPA action that does not impose requirements.

Respecting the preservation of state laws adopted under the authority of federal law, the Administration supports the Senate bill's clarification of the types of state laws that are intended to receive such protection from preemption. Specifically, the Senate bill makes clear that this protection also extends to laws that a state adopts using its own legal authority, but that are nonetheless authorized under federal law, or adopted to satisfy or obtain authorization or approval under federal law. This clarification furthers a common sense objective: to ensure that TSCA actions do not block the purposes of the many other federal environmental statutes (e.g., the Clean Air Act) that are implemented through a system of cooperative federalism. The Senate bill's clarification is also consistent with evidence of original Congressional intent, found in TSCA's legislative history.

Furthermore, the Administration supports an approach in which any preemption resulting from a completed EPA safety assessment or risk management rule is appropriately limited to the particular risks that the agency actually considered in the scope of that assessment or rulemaking. The Administration prefers the Senate bill's clarity on this issue. On a related issue, the House bill, which does not require an affirmative safety determination for new chemicals, nonetheless would lead to preemption of state regulation for all uses of a new chemical substance identified in a pre-manufacture notification, if the agency took action merely to address a subset of those uses.

Congress of the United States
Washington, DC 20510

January 22, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator McCarthy:

We write with regard to the Environmental Protection Agency's (EPA) recently proposed standards to control methane pollution from new and modified oil and gas operations. We are pleased that EPA is moving forward and urge the agency to finalize the new and modified rule. In addition, we also recommend that EPA next consider an existing source rule for methane emissions.

Tackling methane is an integral part of avoiding the most serious human health and environmental consequences associated with climate change. Methane is a potent greenhouse gas, than 80 times as potent as carbon dioxide within the first 20 years after it is emitted. The oil and gas industry alone accounts for more than 7 million tons of methane emissions annually.

Curbing methane emissions will provide significant co-benefits by reducing emissions of volatile organic compounds (VOC) that contribute to soot and smog —a serious air pollution problem that contributes to premature deaths and increased rates of asthma attacks – as well as toxic pollutants like benzene. By damaging the respiratory system, we know that smog harms some of our most vulnerable populations.

In addition, wasted methane gas equals an enormous amount of wasted revenue for both state and tribal governments. A recent report from the business consulting firm ICF International found that venting, flaring and leaks from oil and gas sites on federal and tribal land in New Mexico wasted \$101 million worth of gas in 2013. New Mexico ranked highest in the nation for natural gas waste on public lands at 33.7 billion cubic feet. Not only is this bad for the environment, but it represents lost royalties to taxpayers totaling more than \$42.7 million in forgone royalty revenue since 2009.

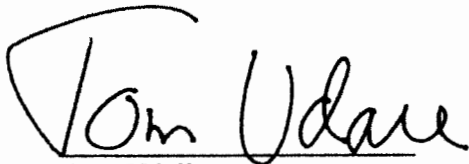
Oil and gas production is a major sector of New Mexico's economy, but we believe this development benefits our state and the nation most when it is done in an environmentally responsible way. Fortunately, the technology and know-how to minimize emissions from oil and gas facilities is readily available and affordable. EPA's final rule should take advantage of the ingenuity and availability of new technology and promote its use throughout the oil and gas system.

We strongly support many features of the proposed standard. The proposal would require for the first time the capture of methane and VOC emissions from hydraulically fractured oil wells, a major source of pollution. The proposed rule also contains common-sense standards for important sources of methane emissions from oil and gas facilities and equipment.

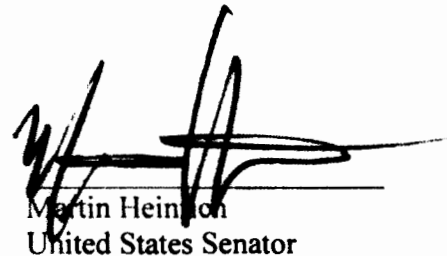
However, we believe there may be room for improvement as we understand that several critical sources of methane emissions were omitted from EPA's proposal. We would strongly encourage EPA to review additional sources and rigorous leak detection and repair standards to ensure the rule successfully incorporates best practices. By finalizing a strong new and modified rule, EPA will be well prepared to pursue a successful existing source rule as well.

We thank you for your attention to this important issue and look forward to working with you to achieve the strongest feasible standards to minimize methane emissions from new and existing sources in the nation's oil and gas sector.

Sincerely,



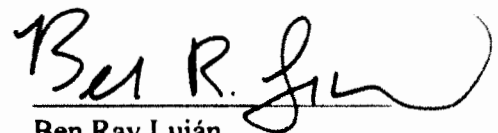
Tom Udall
United States Senator



Martin Heinrich
United States Senator



Michelle Lujan Grisham
United States Representative



Ben Ray Luján
United States Representative



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2016

OFFICE OF
AIR AND RADIATION

The Honorable Martin Heinrich
United States Senate
Washington, D.C. 20510

Dear Senator Heinrich:

Thank you for your letter of January 22, 2016, concerning the regulation of methane in the oil and gas sector. As you know, methane has a much greater global warming potential than carbon dioxide and accounts for about ten percent of all greenhouse gas (GHG) emissions resulting from human activity in the United States. The Administrator asked that I respond on her behalf.

Recognizing the importance of reducing methane emissions as part of an overall climate strategy, the Administration has announced a multi-pronged approach to address oil and gas methane emissions via regulatory and voluntary actions for both new and existing sources of methane. As part of that broad-based strategy, the U.S. Environmental Protection Agency will soon be finalizing the proposed methane and volatile organic compound (VOC) standards for new and modified sources in the oil and gas industry, along with Control Techniques Guidelines for states to reduce VOCs from existing sources in the oil and gas industry. In addition, the EPA has recently finalized the Best Management Practices Commitment framework for the Methane Challenge Program, a voluntary program that expands on the successful Natural Gas STAR program and focuses on existing sources. The EPA plans to launch the Methane Challenge Program on March 30, 2016.

The agency is reviewing the more than 900,000 public comments on proposed updates to its New Source Performance Standards (NSPS) for the oil and gas industry. The proposed standards would add to the NSPS promulgated in 2012 requirements for a number of new and modified sources of methane and VOCs in the oil and gas industry, including requirements that methane and VOCs be captured during the completion of hydraulically fractured oil wells. The proposed standards also would extend emission reductions further "downstream," covering equipment that was not covered in the agency's 2012 rule, and requirements that operators find and repair leaks, which can be a significant source of both methane and VOC pollution. These rules will achieve significant reductions in methane and VOC emissions from new and modified sources in the oil and natural gas industry.

In addition, as recently announced, the EPA will be taking steps to address the methane pollution from existing operations in the oil and gas sector. The agency will begin with a formal process to require companies operating oil and gas sources to provide information to assist in the development of comprehensive regulations to reduce methane emissions. This Information Collection Request will allow us to gather important information on existing sources of methane emissions, technologies to reduce those emissions and the costs of those technologies in the production, gathering, processing, and transmission and storage segments of the oil and gas sector. You can keep updated on all of the actions the EPA is taking regarding methane emissions from oil and gas, at <http://www3.epa.gov/airquality/oilandgas/index.html>.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe". The signature is fluid and cursive, with a prominent initial "J" and a stylized "M" at the end.

Janet G. McCabe
Acting Assistant Administrator

16-000-3531

TIM KAINE
VIRGINIA

WASHINGTON, D.C.
WASHINGTON, D.C. 20510-4607
202-224-4104

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
THE BUDGET

United States Senate

WASHINGTON, DC 20510-4607

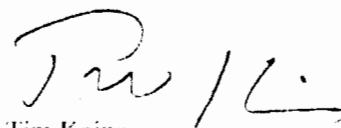
January 6, 2016

Administrator Gina McCarthy
U. S. Environmental Protection Agency
1200 Pennsylvania Ave NW Mail Code 1101a
Washington, DC 20460-0001

Dear Administrator McCarthy:

I have recently been contacted by *Lee Smith* of Blue Ridge, Virginia. Attached is a copy of that correspondence. I would appreciate it if you could look into this matter and provide me with an appropriate response. Thank you.

Sincerely,


Tim Kaine



E CORRESPONDENCE

OCT 0 6 2015

Sept 21 2015

To Sen G

Branch
or Plant

Subject:

Sir I am writing to you to make you aware of the poison being released by Applashian Powder and Velsol in our water ways and soils. They are spraying the power lines both on and in our water property. The chemicals which are being used stay in the soil and water for 5 to 7 years. It can drift on the wind up to 17 miles. Once it is released it is reactivated every time it rains or we have a heavy dew.

I have been trying for several years to get them to stop spraying in my area. I have called your office and have not even been given the courtesy of a return call. Is this the way you treat your voters? I truly hope you love Velsol as much as I do. If you do you will investigate this spraying. They could now this lays a chip their results or compost the material and add it to the soil.

You really need to check this out and correct it.

exempt 6
SIGNED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable Tim Kaine
 United States Senator
 B40C Senate Dirksen Building
 Washington, DC 20510

Dear Senator Kaine:

Thank you for your January 6, 2016 letter to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent *exempt*, regarding "poison being released by Appalachian Power in the water ways and soil of Virginia."

exempt; concerns regarding potential impacts from exposure to pesticides are concerns we share. As a result, EPA requires much toxicity and environmental fate and transport information to be developed and presented to the Agency as part of the pesticide registration process. During this process, pesticides go through a rigorous review and are continuously re-examined as new data requirements are established and new risks or environmental concerns are made known to the Agency. Where risks can be identified, label directions are modified and uses restricted or cancelled to address such risks and minimize chances for such health and environmental impacts from occurring as a result of use.

EPA regulates the production, sale and distribution, and use of pesticides in the United States under the authority of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. Any pesticide use which does not conform to label directions would be in violation of FIFRA and could subject the applicator to civil or criminal penalties. Furthermore, should any adverse impact result from use of the product, that information should be reported to EPA so we may consider it in weighing the benefits and risks of the product's continued registration.

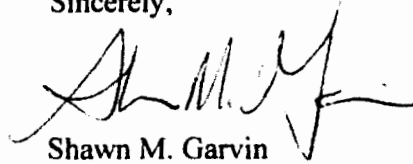
Additionally, under FIFRA provisions, EPA can give primacy for this regulatory authority to states as it relates to pesticide use. In EPA Region III, primacy has been given to each State or District in the Region. In Virginia, primacy has been vested with the Virginia Department of Agriculture and Consumer Services (VDACS). Although EPA continues to directly implement Federal programs under FIFRA, primacy gives states much responsibility in implementing FIFRA at the local applicator level.

Accordingly, *exempt* letter was referred to VDACS for investigation of possible pesticide misuse since his letter stated that poison was being released. For further assistance, I would encourage *exempt* to contact Ms. Liza Fleeson Trossbach, VDACS Program Manager, at 804-371-6559 or liza.fleeson@vdaacs.virginia.gov.



If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Brian Hamilton, EPA's Virginia Liaison, at 215-814-5497.

Sincerely,



Shawn M. Garvin
Regional Administrator

cc: Liza Fleeson Trossbach, VDACS



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Congress of the United States
Washington, DC 20510

February 9, 2019

The Honorable Gina McCarthy
Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator McCarthy:

We write to express our concern over the lead contamination that has been reported in Chicago's drinking water and request the Environmental Protection Agency (EPA) use its full authority and resources to address the issue.

Recent articles in the *Chicago Tribune* and other news outlets have highlighted that legacy water infrastructure containing lead pipes has caused lead to contaminate the drinking water sources of homes across the county. In Chicago, a 2013 peer-reviewed EPA study published in the scientific journal *Environmental Science & Technology* reported the presence of elevated levels of lead in the drinking water of half the Chicago homes it tested. In addition, the study showed "the existing regulatory sampling protocol under the U.S. Lead and Copper Rule systematically misses the high lead levels and potential human exposure."

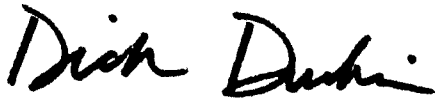
This is troubling as almost 80 percent of Chicago homes are connected to lead-containing pipelines and public health officials agree that there is no safe level of lead. Lead is a known neurotoxin that can cause irreversible brain damage, lower IQ scores, developmental delays, behavior issues, and even death.

The current tragedy in Flint, Michigan, is a startling example of what can happen when these issues go untreated. The EPA must not wait until another city faces a lead contamination water crisis before acting. As the 2013 study makes clear, the current Lead and Copper Rule protocols fail to effectively protect public health.

1

We urge EPA to swiftly review the effectiveness of the Lead and Copper Rule and propose any necessary revisions to better detect and prevent harmful contaminants in public water systems and establish a limit for lead in drinking water that is consistent with its health risks. We also urge the EPA to work with state and local officials to notify the public immediately when lead contamination has been found. Additionally, please identify what actions EPA has taken and identify any additional authorities the agency may need to fully address this problem. Your attention to this issue is critical as EPA is the last line of defense in safeguarding public drinking water.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Representative



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2016

OFFICE OF WATER

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your February 9, 2016, letter regarding lead in drinking water and the U.S. Environmental Protection Agency's Lead and Copper Rule. There is no higher priority for the EPA than protecting public health and ensuring the safety of our nation's drinking water. The agency remains fully committed to ensuring that Flint's drinking water system is restored to proper functioning as quickly as possible. We are also committed to improving the public health protections provided by the Lead and Copper Rule.

Under the Safe Drinking Water Act, most states have primary responsibility for implementation and enforcement of the LCR and other drinking water regulations, while the EPA is tasked with oversight of state efforts. In light of concerns raised by recent events in Flint, the EPA is increasing oversight of state programs to identify and address any deficiencies in implementation of the LCR. EPA staff are meeting with every state drinking water program across the country to ensure that states are taking appropriate actions to address lead action level exceedances, including optimizing corrosion control, providing effective public health communication and outreach to residents on steps to reduce exposures to lead, and removing lead service lines where required by the LCR.

In addition, Administrator McCarthy recently sent letters to the governors of all states with primacy authority under SDWA calling on them to take proactive steps to ensure proper implementation of the LCR. I sent concurrent letters to the environmental or public health commissioners in these states, outlining specific steps to this end, including: confirming use of relevant EPA guidance, improved transparency and accountability with regard to lead sampling and related issues, and proactive steps to provide residents with earlier and better information on lead sampling and risks associated with lead in drinking water.

We are also actively working on revisions to the LCR. In December 2015, the agency received extensive recommendations from our National Drinking Water Advisory Council and other concerned stakeholders. We are carefully evaluating this input and national experience in implementing the current rule – including the events in Flint – to develop proposed improvements. Our current expectation is that revisions to the rule will be proposed in 2017.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cathy Davis in the EPA's Office of Congressional and Intergovernmental Relations at Davis.CatherineM@epa.gov or (202) 564-2703.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Beauvais". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joel Beauvais
Deputy Assistant Administrator

TODD YOUNG

INDIANA'S 9TH DISTRICT

WASHINGTON, DC OFFICE

1007 LONGWORTH HOB

WASHINGTON, DC 20515

PHONE: (202) 225-5315



Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON
WAYS AND MEANS
SUBCOMMITTEES ON
SELECT REVENUE MEASURES
AND
HUMAN RESOURCES

February 10, 2016

Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Congressional Liaison:

I have recently been contacted concerning the claim of:

NAME: *Exempt b*

RE: Essroc Cement, Permit Number 019-35535-00008

I want to express my interest on behalf of this constituent and ask to be kept advised of developments as they occur. Please review and extend every consideration to *Exempt b* request. Also, please inform my Constituent Services Representative, Becky Lambert, of the status and of any action that was taken on his behalf. Ms. Lambert can be reached at my Jeffersonville district office.

The information you provide will be most helpful to my constituent. Thank you for your time and attention to this matter.

In Service,

Todd Young
Member of Congress

TY/BL

Congressman Todd Young
9th District, Indiana

Phone: (812) 288-3999
Fax: (812) 288-3873

Consent for Release of Personal Records by Executive Agencies

Please complete and return to the following address:

Congressman Todd Young
District Office
279 Quartermaster Ct.
Jeffersonville, IN 47130

*Name of Government Agency EPA & IDEM

*Name of Claimant (First Name, M.I., Last Name) exempt

*Date of Birth exempt

*Mailing Address exempt

*City, State, Zip exempt

*Social Sec. Number exempt

Claim # (if applicable)

*Telephone Number exempt

Alternate Telephone #

Email Address exempt

Would you like to receive our e-newsletter? YES

How did you hear about us? ☐ friend/relative ☐ website ☐ mail ☒ other elected official
☐ other

Have you contacted any other elected officials about this problem? If yes, who? _____

IN SENATOR JANE SMITH

IN REP RONDA RHODES

(over please)

16-000-4576

Congressman Todd Young
9th District, Indiana

Phone: (812) 288-3999
Fax: (812) 288-3873

2

*PLEASE EXPLAIN YOUR PROBLEM AND WHAT YOU WOULD LIKE FOR THIS
OFFICE TO DO ON YOUR BEHALF (please print clearly):

ESSROC CEMENT CO. SELLERSBURG HAS REQUESTED
IDEM PERMIT SPM019-35535-00008 FOR
PERMISSION TO BURN HAZARDOUS WASTE. THE PERMIT
WOULD ALLOW ESSROC TO BURN 11,300,000 GALLONS
OF WASTE PER YEAR WHICH COULD POTENTIALLY PUT
1,200 LBS OF LEAD & 224 LBS OF MERCURY INTO THE AIR
NEAR THE PLANT WHICH INCLUDES 3 SCHOOLS. IN
ADDITION ESSROC WILL BE BRINGING 30,000 GALLONS
OF HAZARDOUS WASTE THROUGH OUR TOWN ON TANKER
TRUCKS EACH DAY POTENTIALLY PAST SCHOOLS &
NEIGHBORHOODS. SEE ATTACHED DOCUMENTS. WE NEED
HELP TO ASSIST US TO KEEP THIS HW OUT OF OUR
TOWN.

If you wish to authorize the release of information regarding your case to a relative or
third party, please provide their names:

I have sought assistance from Congressman Todd Young on a matter that may require the release
of information maintained by your agency, and which you may be prohibited from disseminating
under the Privacy Act of 1974.

I hereby authorize you to release all relevant portions of my records or to discuss problems
involved in this case with Congressman Todd Young or any authorized member of his staff until
this matter is resolved. I also affirm that the above information is accurate.

*Signature: _____

exempt 6

Date: _____

2-9-2016

*Required Information

3

Email from *exempt b* to IDEM 1-15-2016

-----Original Message-----

From: *exempt b*
To: *exempt b*
Sent: Fri, Jan 15, 2016 11:36 PM
Subject: Request IDEM public hearing

Dear *exempt b* In regards to air permit SPM019-35535-00008 for Essroc Cement Corporation I have questions about Changes in the type of burning fuel for the kiln process. I am reading 11,300,400 gallons of product burned per year. I have to question if their money is being made for remediation of toxic chemicals from a waste fuel made up of paint thinners waste fuel and unspecified chemicals. On page 29 of 108 TO19-26989-00008 section B 18 a & b state permit revisions or notice shall not be required under any approved economic incentives, marketable part 70 permits or emissions trading. So if IDEM permits this I feel concern given our summer weather inversions. The Essroc plant has two elementary schools, and a junior high and high school bordering the company land separated by highway 31 and County rd 403. Mercury and Lead are mentioned on page 68 of 108 of this permit. Required to be tested, given supplier so what ...it depends on the permittee. I have lived in Speed since 2004. Essroc has not always been a good neighbor. Their environmental manager *exempt b* never provides a good answer to complaints of fugitive dust emission, occasional ash and smell that affects breathing. Often time the heaviest releases of dust occur on weekends late in the evening. The last year emission of dust were very heavy and worse than previous years of living here.

exempt b have been studying the permit is there a section that address odor? I did not notice if this was addressed in the permit? My mailing address is - *exempt b*

exempt b
I would like to request a public hearing with the IDEM...for area residents. Sincerely

exempt b

16-000-4576

4

Email from *exempt* to *exempt* on Jan 23, 2016

Subject: Essroc Permit 019-35535-00008

I have talked to *exempt* and EPA Michael Langman 312-886-6867 an environmental scientist in Chicago. What I came away with is IDEM is passing permits that increase our air pollution and was shocked to note all permit changes that are listed on Technical Support Document for a part 70 Significant Permit Modification. This document was 108 pages near the bottom of the two inch stack. I wasn't aware of these changes. This explains the horrible increase in dust I the last 3 years. This permit sets us up to now add toxic waste of heavy metals lead, mercury and carcinogen beryllium to our water, soil and air. On page 63 of 108 (first 108 pages of permit draft) the amounts appear in section D 3.10 (a) beryllium 6.2 tons per 12 month period or 12,400 lbs

(b) lead .6050 tons per twelve month period or 1,210 lbs

(c) Mercury .1122 tons per 12 month period or 224.4 lbs

Page 4 of 59 under section Liquid Waste Facility section 8

Liquid waste fuel 11,300,400 gallons per year. It claims emissions will be controlled by a vapor balance system with carbon adsorption *exempt* told me plans are to burn 4300 gallons per hour. Concerned about what happens when you incinerate I looked into an EPA Document Hazardous Waste Combustion this breaks down and looks at cement kilns on page 121 Volatile metals are not controlled by fabric filters or electrostatic precipitators, air pollution control techniques involving adsorption or absorption (carbon technologies and wet scrubbers dependent on feed rates.) In Section 62.1 page 126 Mercury volatilizes to form gaseous Mercury that include elemental and divalent forms (oxidized form). Partitioning between elemental and divalent is critical because it directly affects ability to control Mercury in a APCD system. Elemental Mercury is not soluble in water and is not well controlled by wet scrubbers but may involve use of carbon injection. Mercury is not typically contained in clinker or cement kiln. July 2001 page 128 Lead does not burn. If you check out ATSDR website Agency for Toxic Substance and Disease Registry. There is no safe level for children for lead. In this site you can read about effects of lead, mercury, and Beryllium. Note lead adheres to soil sediments so will it adhere to our cement dust which Essroc does not contain now. I didn't see any information of what is done with pollutants captured by their system. It may be there but it's hard to find And understand with all the jargon and. Code numbers. So now we have a toxic by-product to dispose of to the tune of the poundage Above...hazardous to use, hazardous to breathe, hazardous to store plus the lead and mercury release will contaminate not just our air, now soil, and water and our health will be compromised by carcinogens released and heavy metals. Health is affected by micro measures even tiny releases are not insignificant because these toxics persist in the environment and do not disintegrate many bioaccumulate and are absorbed by soft tissue and bones.

5

On page 74 of 183 40 CFR 61, Subpart F Attachment E Involves Beryllium screening Method 5.1 Disclaimer. This method may involve hazardous materials, operations and equipment. The test method may not address all of the safety problems associated with its use. It is the responsibility of the user of the test method to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to performing this test method. 5.2 Talks about Hydrochloric acid noting .13 to .2 can be lethal to humans in a few minutes. So testing methods also can release dangerous chemicals.

Why permit a incineration process that involves hazardous waste oil contaminated with heavy metals and paint resins? I suspect there is possibility a government program promoting Zero Waste programs which involve companies being paid or rewarded to claim "carbon credits" because they are not using fossil fuels. Perhaps IDEM gets funds for getting rid of that toxic waste. *exempt* the county receiving funds to pollute and poison its residents?

On page 30 of 108 section c Emission Trades 326IAC 2-7-20 (c) The Permittee may trade emissions increase and decrease at the source where the applicable SIP provides for such emission trades without requiring a permit revision. So is that a green light to burn twice or three times the amounts listed above?

On page 29 of 108 B.18 Permit Revision under Economic Incentives and Other Programs 326IAC2-7-5(8) 326IAC 2 -7 -12(b)(2)

(a) No Part 70 permit Part 70 permit revision or notice shall be required under any approved economic incentives, marketable Part 70 permits, emissions trading, and other similar programs or processes for changes that are provided for in a Part 70 permit

exempt my observation is that permits Essroc has in place are not in compliance. The dust etches our paint and windows. Certain days I cannot do yard work with the caustic air that burns my lungs. The IDEM can print regulations and set safety standards and permit and it will never be enforceable or followed. Lung Cancer rates are higher in Clark County than neighboring counties. Cass County has similar rates it is the location of the Logansport Essroc Plant.

If you check out GAIA cement kilns. It is a Global Alliance for Incinerator Alternatives. They note Cement Kilns are neither properly designed for the purpose of burning hazardous waste nor are they held to the same regulatory standards as other incinerators. They have "Groundwork" which is a clearinghouse of information on environmental and public health impact.

Nov 2015 at a convention in Barletta Italy, European Gathering against Waste Incinerators in Cement Kilns a speaker Paul Connett professor at St Lawrence University in New York noted " Even if there were strong regulations, adequate monitoring and consistent enforcement, there would be no way to control nano particles of toxic metals that result from waste incinerated in cement kilns or any other combustion plant. Air pollution control devices do not effectively capture

16-000-4576

6

nano particles which can travel long distances, remain suspended long periods of time and penetrate deep into the lungs. I am opposed to waste incineration in cement kilns where you are taking out of the hands of professionals and giving it to amateurs.

7

Email from

From:

To

Subject: Permit SPM 019-35535-00008

Date: Wed, 13 Jan 2016 12:01:13 -0500

Exempt

I am very concerned that ESSROC Cement is asking to change their permit which may add additional air pollution or risk of chemical release or explosion to our neighborhood which is just east of the ESSROC facility in Speed, IN. Looking over the 200 plus pages of documentation it is very unclear what the permit is asking for and the potential hazards it will bring.

I am requesting a public hearing to review this permit and get further explanation of the potential hazards. There are 3 schools and numerous homes within 1/2 mile of the ESSROC facility and I don't believe there should be any additional hazards or pollution added on top of what we already have from ESSROC.

This past year the air pollution/ dust from ESSROC has been significantly worse than the year before. Especially on weekends our vehicles are covered with dust within hours if we leave them outside. A number of times I have washed my car in the evening and the next morning had to wash it again. I called David Hitt at ESSROC and sent pictures of dust (see attached) on my vehicle taken September 26th, 2015 (this is from less than 8 hours exposure - it was washed and shiny the night before). He informed me ESSROC had added capacity earlier in the year (which we were unaware of and which equates to additional pollution) and that he would investigate but I have never gotten an explanation as to why the pollution was so much worse in 2015 than in 2014.

There are also times when we can't work in our yard because the air burns our throat and sinuses. This is accompanied by a burning smell when the wind is coming from the ESSROC plant.

The dust has etched the paint on the window sills of my house and the windshield on one of our cars.

I don't think we should have to live with this level of pollution and think ESSROC should get this under control before any other permits or variances can be considered.

My contact information is:

Exempt
Exempt

16-000-4576

6

Phone:

exempt

Email:

exempt

Please advise me of any further actions that can be taken in this matter.

Sincerely,

9

Email from

exempto

on Jan 23, 2016

Subject: Essroc Permit 019-35535-00008

I have talked to *exempto* and EPA Michael Langman 312-886-6867 an environmental scientist in Chicago. What I came away with is IDEM is passing permits that increase our air pollution and was shocked to note all permit changes that are listed on Technical Support Document for a part 70 Significant Permit Modification. This document was 108 pages near the bottom of the two inch stack. I wasn't aware of these changes. This explains the horrible increase in dust the last 3 years. This permit sets us up to now add toxic waste of heavy metals lead, mercury and carcinogen beryllium to our water, soil and air. On page 63 of 108 (first 108 pages of permit draft) the amounts appear in section D 3.10 (a) beryllium 6.2 tons per 12 month period or 12,400 lbs

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Page 4 of 59 under section Liquid Waste Facility section 8

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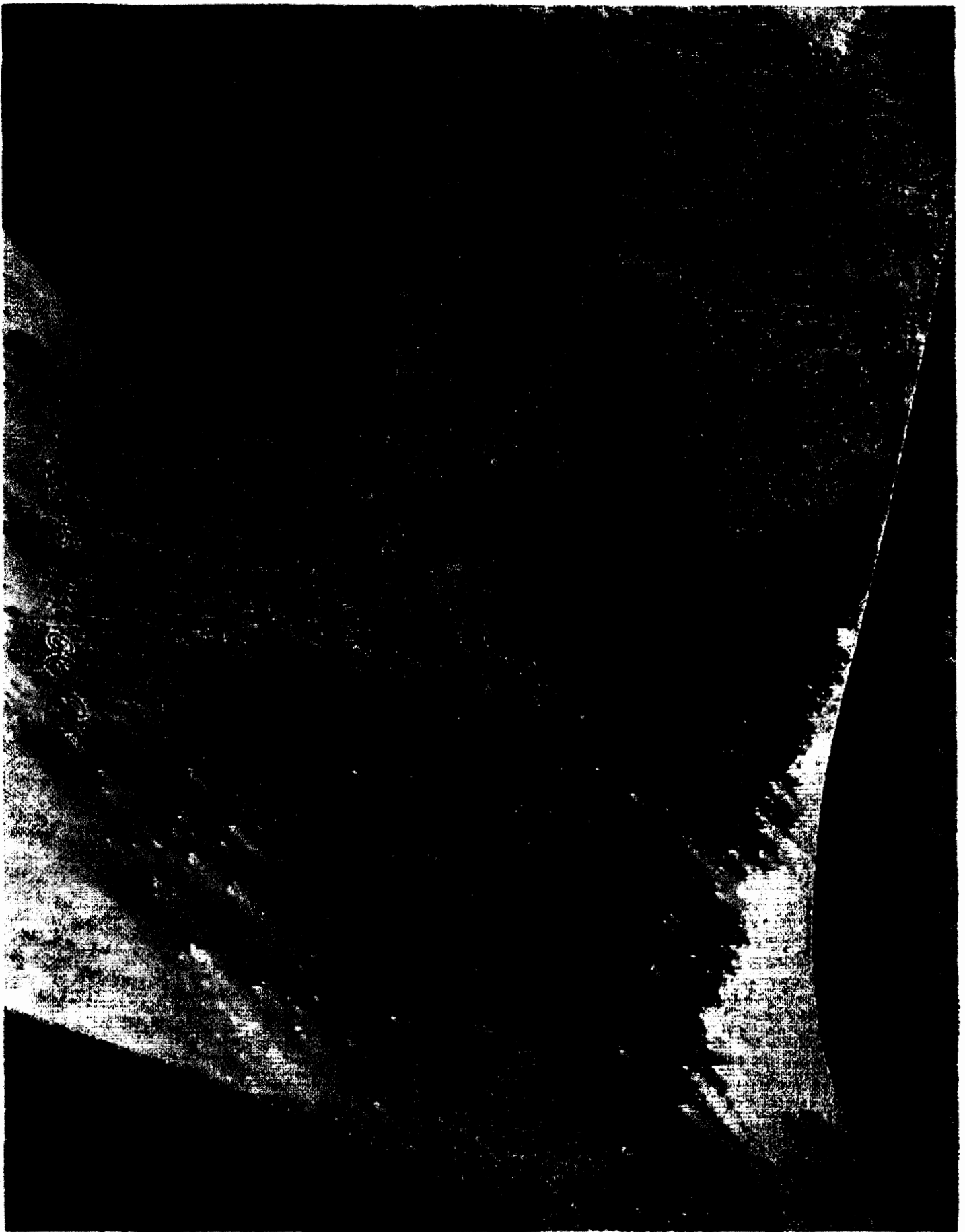
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16-000 -4576

THE APPROXIMATION IN OUR NEIGH-
BORHOOD WHEN THE WIND IS OUT OF THE
NORTH & OUTSIDE OF AT TIMES THE
ACTIVITY SO WE CAN'T DO ANY ACTIVITY
FUTURE IS THE TOP OF MY CAR LESS
INTEREST WITH A LEND OF STAYING. THERE
THE AIR WAS STILL BROOD BUT STAYING
ISSUED MULTIPLE REKINDS WHICH HAS
CURRENT SITUATION



4

16-000-4576



United States Congress
House of Representatives
9th District, Indiana



279 Quartermaster Court

Jeffersonville, IN 47130

Phone: (812)-288-3999

Fax: (812)-288-3873

Office of Congressman Todd Young

To: Congressional Liaison

Organization: EPA

Fax Number: (202) 501-1519

Telephone Number: 202-564-5200

Date: 2 / 11 / 16

Pages: 15 (Including cover sheet)

Comments:

exempt

Thank you for your assistance.

Bucky Lambert

*Having fax issues -
please confirm
receipt to:*

*bucky.lambert@
mail.house.gov*

Confidentiality Notice: The Information in this document is intended solely for the designed recipient and may be confidential. If this transmission is received by mistake, please contact the sender to arrange for the return of the document. Thank you.

AL-16-000-4576



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

MAR 11 2016

The Honorable Todd Young
Member, U.S. House of Representatives
279 Quartermaster Ct.
Jeffersonville, Indiana 47130

Dear Congressman Young:

Thank you for your February 10, 2016 letter expressing interest on behalf of *Exempt* regarding a draft air quality permit modification for ESSROC Cement Corporation (ESSROC) in Speed, Indiana. *Exempt* are concerned about the health impacts from approving ESSROC's permit modification.

The U.S. Environmental Protection Agency confirmed that the Indiana Department of Environmental Management (IDEM) received the *Exempt* comments and will – as required by law – respond to the comments prior to issuing a final permit. IDEM, which is the permitting authority for the ESSROC permit, held an informational public meeting on February 17, 2016 in response to *Exempt* request for a public hearing.

IDEM is also processing a separate Resource Conservation and Recovery Act (RCRA) Part B permit application for ESSROC. IDEM's review process includes a risk assessment evaluation for the burning of liquid waste derived fuel. The state is required to provide an opportunity for public comment on the draft RCRA permit.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Kaplan".

Robert A. Kaplan
Acting Regional Administrator

Congress of the United States
Washington, DC 20515

February 11, 2016

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20004

Dear Administrator McCarthy:

We write to express our concerns regarding the findings in a recent *Chicago Tribune* report¹ on the Environmental Protection Agency's (EPA) review process for the herbicide Enlist Duo, and to request more information about EPA's plan to reevaluate Enlist Duo's health and environmental risks.

Enlist Duo is a new herbicide currently approved for use on herbicide-resistant corn and soybean crops. Dow AgroSciences created Enlist Duo, a mixture of the weed killers glyphosate and 2,4-D, to combat so-called "superweeds" that have grown resistant to glyphosate alone. As reported in the *Chicago Tribune* article, EPA registered Enlist Duo in October 2014 after reversing its previous analysis of certain health harms associated with exposure to 2,4-D. We were concerned to learn that, during this process, EPA dismissed a key study linking 2,4-D to kidney abnormalities based on one scientist's analysis, and in doing so, effectively gave the green light for 41 times more of the chemical to enter the American diet than was previously allowed.

Given the widely-known adverse impacts of 2,4-D on human health and the environment, and with little understood about the implications of combining 2,4-D and glyphosate, EPA should use the utmost caution in assessing the safety of Enlist Duo before approving it for continued use. We were pleased to learn of EPA's decision in November 2015 to ask a court to vacate the agency's approval of Enlist Duo, after Dow provided the agency with information regarding the synergistic effects of glyphosate and 2,4-D in Enlist Duo on threatened and endangered plants. The court denied that request, but did remand the registration decision to EPA for reevaluation. We are troubled by reports that the EPA plans to conduct an extremely limited reanalysis of Enlist Duo's harms, questioning only whether a larger no-spray zone is needed to protect endangered plants that grow close to farm fields. Moreover, these actions do not address questions about serious potential health risks brought to light by the *Chicago Tribune*.

At a minimum, while it considers the question of synergistic effects on remand, the EPA should evaluate at least two other major factors about Enlist Duo's environmental and health impacts. First, the World Health Organization's International Agency for Research on Cancer recently published a groundbreaking finding that glyphosate is "probably carcinogenic to humans."² EPA registered Enlist Duo without considering this cancer finding, and without looking at *any* studies on glyphosate's cancer risk that have been published in the last twenty years.

¹ <http://www.chicagotribune.com/news/watchdog/ct-gmo-crops-pesticide-resistance-met-20151203-story.html>

² <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>

Second, studies indicate that Enlist Duo threatens the monarch butterfly, an iconic species famed for its annual migration across the continent. The monarch migration has declined sharply in recent years, driven by increasing applications of herbicides to herbicide-resistant crops, which has decimated milkweed, the sole food source for monarch caterpillars^{IIIIV}. Scientists have warned that the monarch migration is now at risk of vanishing entirely. Enlist Duo is specifically intended to kill milkweed, but so far EPA has refused to consider harm to monarch butterflies when determining whether Enlist Duo causes unreasonable environmental impacts. Enlist Duo's effects on the monarch butterfly must be part of EPA's reanalysis.

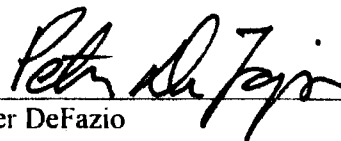
The public deserves to know how EPA intends to address all of these concerns about the risks posed by Enlist Duo. We ask that EPA respond promptly to the following questions:

- What factors caused EPA to reverse its previous analysis of the health impacts of Enlist Duo and dismiss evidence linking 2,4-D to kidney abnormalities?
- How, if at all, did EPA assess the synergistic effects of glyphosate and 2,4-D, as opposed to merely each chemical individually?
- Does EPA have a standard practice or policy guidance for assessing the synergistic effects of chemical mixtures? If so, what is that practice, does it occur during the registration process, and did EPA follow it here?
- Considering the World Health Organization's finding that glyphosate is a probable carcinogen, will EPA also assess the synergistic effects of the chemicals in Enlist Duo on human health – especially children's health – in addition to their effects on endangered and other plants
- Will EPA prohibit sales of Enlist Duo while it reviews all information submitted by Dow regarding synergistic effects?
- What is EPA's plan to evaluate Enlist Duo's harm to monarch butterflies before re-approval? Will EPA agree not to approve continued use of Enlist Duo until the agency considers and addresses the herbicide's adverse effects on monarchs?
- What is EPA's plan to evaluate Enlist Duo's human cancer risk before re-approval? Will EPA agree not to approve continued use of Enlist Duo until the agency considers and addresses up-to-date science on glyphosate's cancer risk?
- Will EPA agree not to re-approve Enlist Duo until the agency has completed its registration review process for glyphosate?
- What is EPA's timeline for the review process of Enlist Duo?

Thank you for your prompt attention to these questions. We look forward to receiving your response as soon as possible.



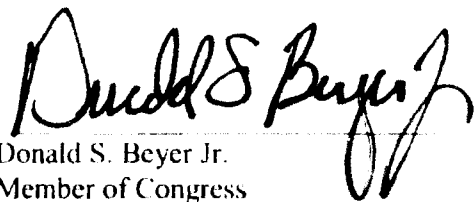
Earl Blumenauer
Member of Congress

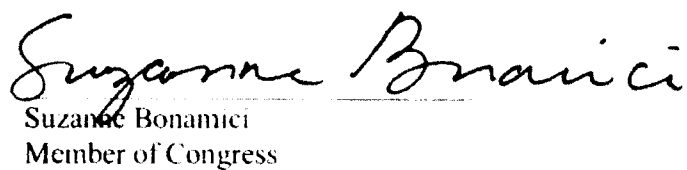


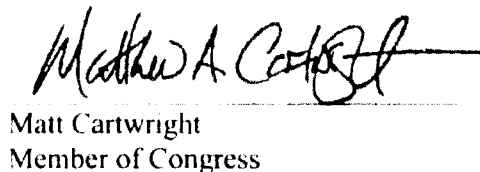
Peter DeFazio
Member of Congress

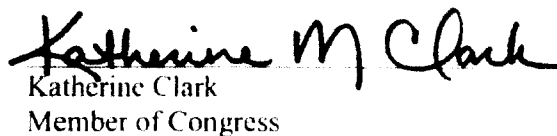
^{III} <http://onlinelibrary.wiley.com/doi/10.1111/1365-2656.12253/abstract>

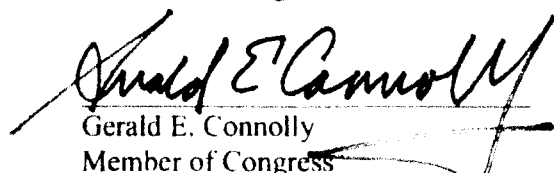
^{IV} http://www.mlmp.org/results/findings/pleasants_and_oberhauser_2012_milkweed_loss_in_ag_fields.pdf

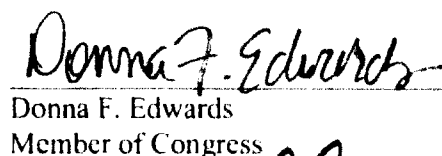

Donald S. Beyer Jr.
Member of Congress

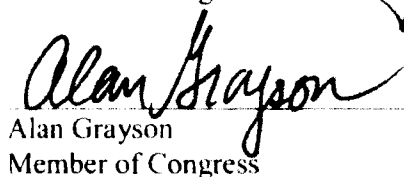

Suzanne Bonamici
Member of Congress

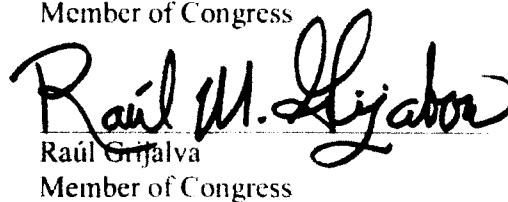

Matt Cartwright
Member of Congress

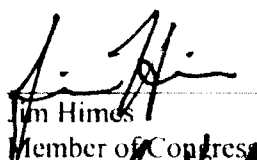

Katherine M. Clark
Member of Congress

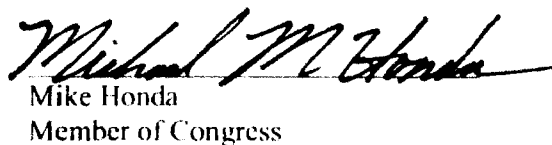

Gerald E. Connolly
Member of Congress

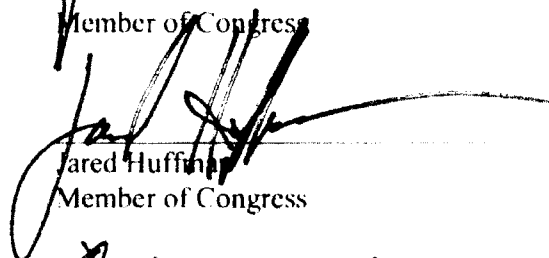

Donna F. Edwards
Member of Congress

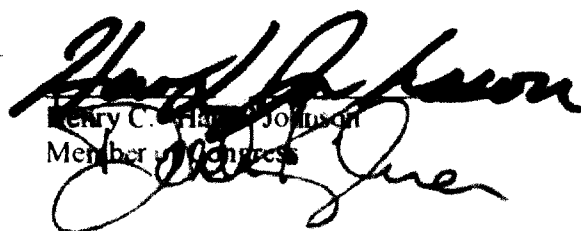

Alan Grayson
Member of Congress


Raúl Grijalva
Member of Congress

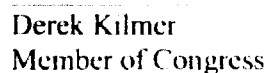

Jim Himes
Member of Congress

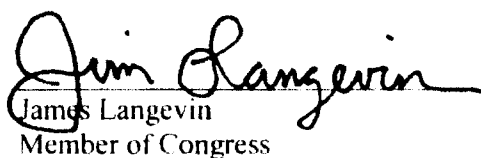

Mike Honda
Member of Congress

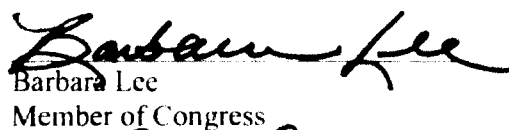

Jared Huffman
Member of Congress

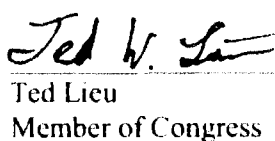

Henry C. Johnson
Member of Congress

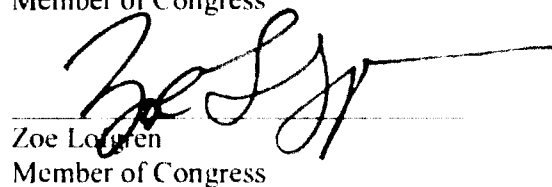

Bill Keating
Member of Congress

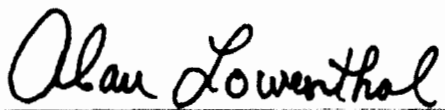

Derek Kilmer
Member of Congress


James Langevin
Member of Congress


Barbara Lee
Member of Congress


Ted Lieu
Member of Congress

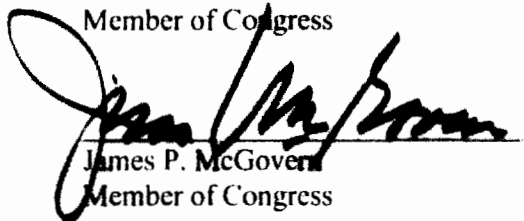

Zoe Lofgren
Member of Congress



Alan Lowenthal
Member of Congress



Betty McCrory
Member of Congress



James P. McGovern
Member of Congress



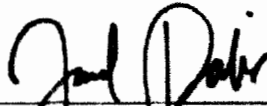
Rick Nolan
Member of Congress



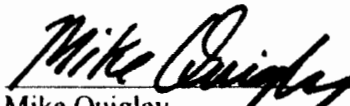
Eleanor Holmes Norton
Member of Congress



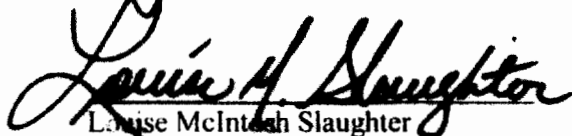
Chellie Pingree
Member of Congress



Jared Polis
Member of Congress



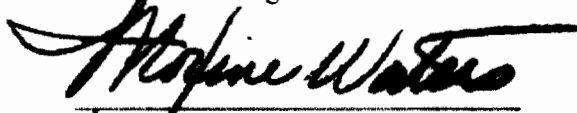
Mike Quigley
Member of Congress



Louise McIntosh Slaughter
Member of Congress



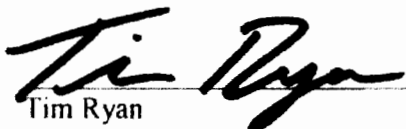
Chris Van Hollen
Member of Congress



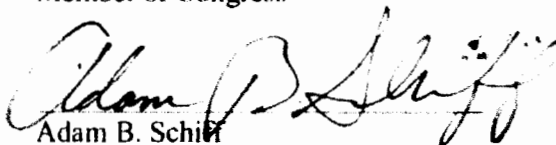
Maxine Waters
Member of Congress



Bonnie Watson Coleman
Member of Congress



Tim Ryan
Member of Congress



Adam B. Schiff
Member of Congress



Mark DeSaulnier
Member of Congress

AL-16-000-4578



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 27 2016

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Earl Blumenauer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Blumenauer:

Thank you for your letter of February 11, 2016, expressing your concerns about the U.S. Environmental Protection Agency's registration of the Enlist Duo herbicide containing both glyphosate and 2,4-D. We share your commitment to protecting human health, especially children, and the environment and appreciate the opportunity to respond to the issues you raise concerning the EPA's risk assessments for the use of Enlist Duo on herbicide-tolerant corn and soybean crops.

You first asked why the EPA reversed its previous analysis of health impacts of 2,4-D and raised issue with potential links to kidney abnormalities. The agency considered this evidence; and it was an integral part of our weight-of-evidence analysis. In our risk assessment process, we consider not only guideline studies submitted to the agency by registrants, but also studies in the published literature. The numerous toxicology studies submitted for 2,4-D, conducted according to federally mandated Good Laboratory Practices, measured the potential for a broad range of toxic effects. The new data, in conjunction with the large database already available for 2,4-D, enhanced the EPA's ability to quantify risk. The updated risk assessment is based on the most recent and cutting edge scientific data available, and provides a large margin of safety.

The EPA assessed 2,4-D dietary risks using standard dietary exposure modeling software and food consumption data from the U.S. Department of Agriculture. Our scientists made conservative assumptions, overestimating likely exposure: assuming residues would be at the maximum legal residue limit for every treated food in the U.S. with the exception of soybeans, for which we used field trial data (sampled from treated fields before it leaves the farm, higher residue levels than consumers actually experience); using high end drinking water modeling estimates; and assuming that 100 percent of the crops are treated for all food items to which 2,4-D can be applied. Despite the conservative nature of the dietary exposure evaluation, resulting risk estimates were well below levels of concern. Given the extremely conservative assumptions described above, we do not expect a significant change in exposure to people.

You also asked about the EPA's review of chemical mixtures and synergy data. We assess the risk potential of a formulated pesticide product by evaluating the relative toxicity of the active ingredients, individual inert ingredients and the formulated product. After evaluating the risk potential for each active ingredient, agency scientists evaluate all inert ingredients in the product, including those in an approved inert mixture. The product's composition is examined to verify that all of the inert ingredients (including mixtures) proposed for use in the pesticide formulation have been approved by the EPA.

The January 23, 2014, *Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs*¹ provides guidance on the evaluation of formulated pesticide products containing more than one active ingredient and allows for consideration of toxicological testing that may identify formulations with toxicity in excess of individual active ingredients. Formulated product toxicity data are evaluated and included in the risk assessment when available. In situations where available toxicity data indicate that a pesticide formulation may be more toxic to non-target organisms than indicated by single active ingredient testing, it may be necessary to consider additional testing and quantification of exposure to the formulation. Acute mammalian effects testing for the formulated product provides a basis for comparison with active ingredient testing. Agency regulations allow us to request additional data on formulated products if there is evidence that the formulation toxicity may be greater than the active ingredients alone.

The EPA evaluated toxicological data on 2,4-D and glyphosate tested individually, as well as combined in formulation, and found no indication of synergism for mammals, freshwater fish and freshwater invertebrates. There were no toxicological data to allow for such comparisons for plants and the agency concluded, based on the existing data for other species, that it was reasonable to assume there were no synergistic interactions for plants. However, after granting the registration for Enlist Duo in 15 states, the EPA discovered that Dow had made claims of “synergistic herbicidal weed control” in its Provisional and Non-provisional patent applications to the U.S. Patent and Trademark Office for Enlist Duo.

After reviewing the patent applications, the EPA asked Dow in October 2015 for all available information about potential synergistic effects within 30 days. The EPA received the information from Dow on November 9, 2015. Upon review of the information, we concluded that the data supported a concern about potential synergistic effects in plants. However, the agency was not able to quantify the risk to non-target plants based on this information. As a result, the agency required additional data to adequately assess the potential synergistic effects of Enlist Duo on non-target plants. We expect that these data will be submitted this spring. Our scientists will examine the additional testing data to determine whether changes need to be made to the original registration decision.

The Enlist Duo product currently remains registered for use in 15 states. On January 25, 2016, the United States Court of Appeals for the Ninth Circuit granted the EPA’s request for remand to allow further consideration of its earlier decision, but denied our request for the registration to be vacated. Per the Court’s decision, the registration remains in effect while the EPA determines whether changes to the registration are necessary.

Your letter also asks about the agency’s consideration of glyphosate’s carcinogenicity classification and potential impacts on monarch butterflies. The EPA is currently reassessing glyphosate as part of its scheduled registration review program and coordinating this re-evaluation with Canada’s Pest Management Regulatory Agency. In 1991, the EPA classified glyphosate as a Group E (evidence of non-carcinogenicity for humans) based on a lack of convincing carcinogenicity evidence and the criteria in the EPA Guidelines² for classifying a carcinogen. Since then, we have monitored emerging research on the carcinogenicity of glyphosate. Later this year, the EPA will release the results of our review of the potential carcinogenicity of glyphosate which will take into consideration the recent World Health Organizations report³ conducted by its International Agency for Research on Cancer which listed glyphosate as a probable carcinogen.

¹ <http://www.epa.gov/sites/production/files/2014-11/documents/ecorisk-overview.pdf>

² <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/evaluating-pesticides-carcinogenic-potential>

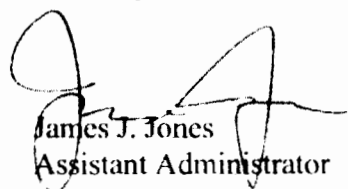
³ <http://www.iarc.fr/en/media-centre/iarcnews/pdf/MonographVolume112.pdf>

The agency is also reviewing potential impacts on monarchs from the use of glyphosate during registration review, and we will update the existing ecological risk assessments based on the best available scientific data. We will determine whether any risk mitigation is needed to ensure that glyphosate can continue to be used without unreasonable risks to the environment, including monarch butterflies and other pollinators. We hope to release our glyphosate risk assessment before the end of 2016. We also identified an approach for actions to protect the monarch butterfly in the EPA's *Risk Management Approach to Identifying Options for Protecting the Monarch Butterfly*⁴. The EPA solicited public comment on which potential action or a combination of actions would be most effective to reduce the impacts of herbicides on the monarch butterfly and its habitat. We also requested additional suggestions for protection measures for the monarch (www.regulations.gov in Docket# EPA-HQ-OPP-2015-0389). The agency is evaluating over 40,000 comments received during the public comment period, which ended on August 24, 2015.

These efforts also advance the work of the Canada/Mexico/U.S. Trilateral Committee for Wildlife and Ecosystem Conservation and Management.⁵ Consistent with its goals of conserving and managing natural resources across North America, the committee has recognized the monarch butterfly as an emblematic species shared by the three countries and has renewed collaborative efforts to protect the species and its required resources. For more information about the many ways that the EPA is working to protect pollinators, visit <http://www2.epa.gov/pollinator-protection>.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,



James J. Jones
Assistant Administrator

⁴ <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2015-0389-0002>

⁵ <http://www.trilat.org/component/content/article/17-roknewsrotator/1400-the-monarch-butterfly>

United States Senate

WASHINGTON, DC 20540

January 8, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania, NW
Washington, DC 20004

Dear Administrator McCarthy:

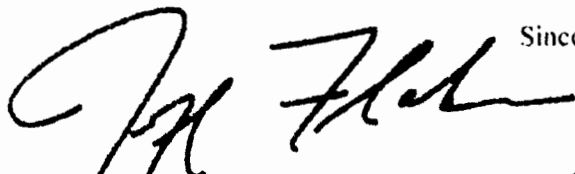
We write in support of the Arizona Department of Environmental Quality's (ADEQ) request for a 60-day extension of the public comment period for responding to EPA's Notice of Proposed Rulemaking (NPRM) titled *Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations*.¹

Electric power production in Arizona affects a wide variety of interests from individual ratepayers, businesses, and rural coops to Native American communities whose economies rely heavily on electricity, revenues, and jobs derived from the state's generating resources. Even Arizona's vast water-delivery infrastructure is heavily dependent on electric generation used to move water supplies over long distances. EPA's proposed Clean Power Plan threatens to significantly impact all of those interests through increased rates, reliability disruptions, stranded costs from recently added environmental controls, and additional regulatory burdens.

Specific to this NPRM, EPA has proposed a complex rule with far-reaching consequences including a series of options regarding implementation of the plan that require detailed technical analyses of intrastate and interstate consequences. As noted by ADEQ, the Western States Clean Power Plan Initiative and the Arizona Utilities Group are wading through these issues in an attempt to understand the technical implications of each option. The current 90-day comment period, which expires on January 21, is simply insufficient to allow ADEQ and other stakeholders the opportunity to use the preliminary findings of the analyses to inform their comments.

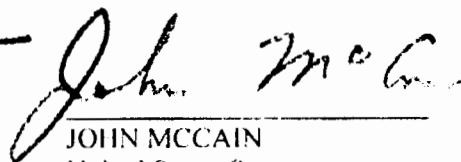
Instead of continuing down a path of hurried review and inadequate time to develop comments, we believe the prudent course is to grant ADEQ's reasonable request for an extension. Doing so will enable interested parties to more thoroughly evaluate EPA's proposal and provide meaningful input.

Thank you for your prompt consideration of this request. As always, we ask that this matter be handled in strict accordance with all agency rules, regulations, and ethical guidelines.



JEFF FLAKE
United States Senator

Sincerely,



JOHN MCCAIN
United States Senator

¹ 8 Fed. Reg. 64966 (proposed Oct. 23, 2015); EPA Docket Id No. EPA-HQ-OAR-2015-0199.

16-000 - 3156



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 19 2016

OFFICE OF
AIR AND RADIATION

The Honorable John McCain
United State Senate
Washington, D.C. 20510

Dear Senator McCain:

Thank you for your letter of January 8, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy, requesting an extension to the comment period for the proposed actions "Federal Plan Requirements for Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations" (FPMR). The Administrator asked that I respond on her behalf.

We have considered your request and have determined not to extend the comment period. This rulemaking was posted online on August 3, 2015, and the EPA is accepting written comments for the FPMR proposal, identified by Docket ID Number EPA-HQ-OAR-2015-0199, through January 21, 2016. This provides over five months for review and comment and we encourage interested parties to provide comments on the FPMR proposal by this deadline.

Again, thank you for your letter. I appreciate the opportunity to be of service. If you have further questions or concerns, please contact me or your staff may contact Kevin Bailey in EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or 202-564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

The EPA has reviewed, and agrees with, the GAO recommendation for the agency. Information on the current agency actions to address the GAO's recommendation is provided below.

GAO Recommendation:

To improve the agency's IT savings reinvestment plans, the Administrator of the Environmental Protection Agency should direct the CIO to ensure that the agency's integrated data collection submission to OMB includes, for all reported initiatives, complete plans to reinvest any resulting cost savings and avoidances from OMB-directed IT reform-related efforts.

EPA Response:

The Environmental Protection Agency has embarked on several developments since the issuance of the Office of Management and Budget fiscal year 2014 information technology reductions and reinvestments exercise. For example, the agency's Office of Environmental Information and Office of the Chief Financial Officer have made several improvements to evaluate the health of the portfolio. Through the Federal Information Technology Acquisition Reform Act and the OMB PortfolioStat implementation processes, the EPA reintroduced TECH STATS, conducted an extensive evaluation of the Technology Infrastructure Modernization investments, and introduced IT acquisition reviews and IT portfolio reviews. In doing so, we are tightening coordination among the Chief Information Officer, the Chief Financial Officer, and the Chief Acquisition Officer.

The agency appreciates the opportunity to review and comment on the GAO's final report. If you have any questions, please contact me or your staff may contact James Blizzard by email at blizzard.james@epa.gov, or by phone at (202) 564-1695.

Sincerely,


David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

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Sincerely,

A handwritten signature in black ink, appearing to read 'D. Bloom', followed by a long horizontal line extending to the right.

David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

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Sincerely,

A handwritten signature in black ink, appearing to read 'D. Bloom', is written over a horizontal line.

David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

The EPA has reviewed, and agrees with, the GAO recommendation for the agency. Information on the current agency actions to address the GAO's recommendation is provided below.

GAO Recommendation:

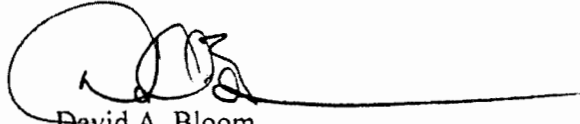
To improve the agency's IT savings reinvestment plans, the Administrator of the Environmental Protection Agency should direct the CIO to ensure that the agency's integrated data collection submission to OMB includes, for all reported initiatives, complete plans to reinvest any resulting cost savings and avoidances from OMB-directed IT reform-related efforts.

EPA Response:

The Environmental Protection Agency has embarked on several developments since the issuance of the Office of Management and Budget fiscal year 2014 information technology reductions and reinvestments exercise. For example, the agency's Office of Environmental Information and Office of the Chief Financial Officer have made several improvements to evaluate the health of the portfolio. Through the Federal Information Technology Acquisition Reform Act and the OMB PortfolioStat implementation processes, the EPA reintroduced TECH STATS, conducted an extensive evaluation of the Technology Infrastructure Modernization investments, and introduced IT acquisition reviews and IT portfolio reviews. In doing so, we are tightening coordination among the Chief Information Officer, the Chief Financial Officer, and the Chief Acquisition Officer.

The agency appreciates the opportunity to review and comment on the GAO's final report. If you have any questions, please contact me or your staff may contact James Blizzard by email at blizzard.james@epa.gov, or by phone at (202) 564-1695.

Sincerely,

A handwritten signature in black ink, appearing to read 'David A. Bloom', with a long horizontal line extending to the right.

David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Eugene Dodaro
Comptroller General
Government Accountability Office
Washington, D.C. 20548

Dear Mr. Dodaro:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

The agency reviewed the report and pursuant to 31 U.S.C. 720, enclosed are copies of the EPA responses to the Chairs of the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the House and Senate Committees on Appropriations. If you have any further questions, please contact me or your staff may contact James Blizzard in the EPA's Office of Congressional and Intergovernmental Relations, by phone at (202) 564-1695, or by email at blizzard.james@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bloom", is written over a horizontal line.

David A. Bloom
Deputy Chief Financial Officer

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 24 2016

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Shaun Donovan
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Donovan:

I am transmitting the U.S. Environmental Protection Agency's response to the September 2015 Government Accountability Office report entitled, *Information Technology Reform: Billions of Dollars in Savings Have Been Realized, but Agencies Need to Complete Reinvestment Plans* (GAO-15-617). The EPA prepared this response pursuant to 31 U.S.C. 720.

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David A. Bloom
Deputy Chief Financial Officer

Enclosures

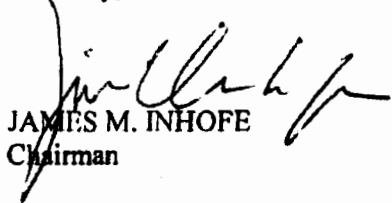
Burke
March 14, 2016
Page 2

science-based findings, so that a broad cross-section of credentialed peer reviewers and other capable investigators can independently verify the agency's scientific integrity.

In order to ensure you have the proper context, enclosed is the April 2015 letter to Administrator McCarthy and Senator Sessions' questions from the June 11 hearing where we are asking for clarification on questions two and four.

We appreciate your cooperation and should you have any additional questions please direct your staff to contact Ryan Jackson (EPW Majority) at 202-224-6176 or Brandon Middleton (Senator Sessions) at 202-224-4124. We look forward to reviewing your written responses to the above concerns.

Sincerely,



JAMES M. INHOFE
Chairman



JEFF SESSIONS
U.S. Senator

U.S. Senator Jeff Sessions

June 11, 2015 Senate Environment and

Public Works Committee Hearing

“Nomination hearing for Ann Dunkin to be Assistant Administrator for Environmental Information of the U.S. Environmental Protection Agency, Thomas Burke to be Assistant Administrator of the Office of Research and Development of the U.S. Environmental Protection Agency, and Jane Nishida to be Assistant Administrator of the Office of International and Tribal Affairs of the U.S. Environmental Protection Agency”

Questions for the Record

Dr. Thomas Burke, Nominee, Assistant Administrator, EPA Office of Research and Development

Current position: Deputy Assistant Administrator of Office of Research and Development and Science Advisor for EPA

- 1) During the April 2013 confirmation hearing for your boss (the EPA Administrator, Gina McCarthy), she promised the Environment and Public Works Committee under oath that she would “provide information . . . with respect to [her] responsibilities.” However, instead of living up to her promise, the Administrator often directs others to respond to questions that are posed *directly* to her.

For example, this past April, I and other members of the Committee wrote a letter to the Administrator regarding projected climate change impacts. Despite having committed to providing responses during this Committee’s budget hearing for EPA, the

Administrator directed Janet McCabe, the Acting Assistant Administrator for the Office of Air, to provide responses.

If you are confirmed, will you *personally* answer questions that are asked of you by members of this Committee?

- 2) The April 2015 letter asked straightforward questions related to whether projected climate impacts are actually occurring. Yet instead of reviewing and verifying the accuracy of climate projections which have served as the basis for the agency's regulatory policy and agenda, the Acting Assistant Administrator opined on *future* projections.

For example, in response to a series of questions on global cyclone activity over *the past century*, the Acting Assistant Administrator wrote:

Anthropogenic climate change is . . . expected to contribute to a number of changes in extreme weather events. . . . [T]ropical cyclone intensity is . . . expected to increase in the future, but the frequency of cyclones is likely to either decrease or remain unchanged.

Do you agree that estimates of future climate impacts do not answer whether climate impacts projected and expected to occur in the past have proven accurate?

- 3) I also asked in the letter whether the Administrator agreed that it has been nearly ten years since the last major hurricane struck the United States. The Acting Assistant Administrator's response did not answer this question.

As EPA's Science Advisor, please answer the following: